

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LESLIE GRABER,

Defendant.

8:18CR304

ORDER

This matter is before the Court on defendant Leslie Graber's ("Graber") Motion to Suppress Statements and Evidence (Filing No. 15) he contends result from "[t]he police in this case us[ing] Mr. Graber's [state] probation officer as a 'stalking horse['] in order to circumvent the Fourth Amendment." In accordance with 28 U.S.C. § 636(b)(1)(B), the Court referred the motion to the magistrate judge¹ for initial review. *See also* Fed. R. Crim. P. 59(b). On May 22, 2019, after two evidentiary hearings, the magistrate judge issued a Findings and Recommendation (Filing No. 60), recommending this Court deny Graber's motion. On June 6, 2019, Graber filed eight separate objections (Filing No. 62) to the magistrate judge's findings and recommendation.

Having conducted a thorough de novo review of the record with a close eye on those matters to which Graber has objected, *see* 28 U.S.C. § 636(b)(1), the Court finds the magistrate judge's findings and recommendations should be accepted and Graber's motion to suppress should be denied for the reasons stated by the magistrate judge. In short, the Court agrees with the magistrate judge that Graber's probation officer did not, as Graber contends, impermissibly "serve as a stalking horse" for the police or overbear Graber's will in obtaining his consent to search the car he was driving and the motel room he was in.

¹The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

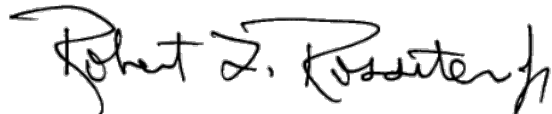
Because the officers in Graber's case did not, under the circumstances, violate Graber's constitutional rights in searching the car or the motel room or in obtaining his statements,

IT IS ORDERED:

1. Defendant Leslie Graber's objections (Filing No. 62) are overruled.
2. The magistrate judge's Findings and Recommendation (Filing No. 60) is accepted.
3. Graber's Motion to Suppress Statements and Evidence (Filing No. 15) is denied.

Dated this 12th day of June 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", written in a cursive style.

Robert F. Rossiter, Jr.
United States District Judge